

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claims 49-57 are allowed and that claims 42-48 include allowable subject matter.

#### **Disposition of Claims**

Claims 41-57 are pending in the present patent application. Claims 41, 49, and 57 are independent. The remaining claims depend, either directly or indirectly, from claims 41 and 49.

#### **Examiner Interview**

Applicant thanks the Examiner for courtesies extended during the Examiner Interview conducted on March 31, 2009. During the Examiner Interview, Applicant discussed proposed claim amendments. The proposed claim amendments and arguments presented in this response are substantially similar to those discussed during the Examiner Interview. No agreement was reached at the close of the Examiner Interview.

#### **Specification Amendments**

On page 4, the paragraph beginning at line 27, and on page 6, the paragraph beginning at line 7 of the originally-filed specification are amended to remove references to “electric signals,” in accordance with the Examiner’s recommendation during the Examiner Interview conducted on March 31, 2009. In view of this amendment, Applicant asserts that the specification of the instant invention does not propose to cover non-statutory medium as a signal. Further, Applicant respectfully asserts no new matter has been introduced by way of this amendment.

### **Claim Amendments**

Claim 41 is amended to clarify aspects of the invention. No new matter has been added by any of the aforementioned amendments as support for the amendments may be found, for example, on page 14, lines 11-18; page 30, lines 18-26, and page 31, lines 2-15 of the originally-filed specification.

### **Allowable Subject Matter**

Claims 49-57 are allowed. *See* Office Action, page 2. In view of the following remarks and above amendments, Applicant also asserts claims 41-48 are in condition for allowance. Specifically, Applicant asserts claims 41-48 are in condition for allowance in view of the response to the rejection under 35 U.S.C. § 101 of claim 41.

### **Rejection(s) under 35 U.S.C. § 101**

Claim 41 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. To the extent the rejection may apply to the pending claims, the rejection is traversed.

The Examiner rejects claim 41 for failing to “tie its process to another statutory class or transform underlying subject matter to a different state or thing.” *See* Office Action dated January 7, 2009, pages 2-3. Amended independent claim 41 recites, in part, that “a section of the plurality of sections corresponds to memory of the computer system,” “a first segment of the plurality of segments corresponds to a portion of the memory of the computer system,” and “the first count-map is associated with a first thread executing on a processor of the computer system.” In other words, amended independent claim 41 requires, in part, that the process for performing garbage collection be tied to a computer system, the memory and the processor of the computer system in particular.

Thus, the process of amended claim 41 is tied to another statutory class in the body of the claim. For at least this reason, claim 41 complies with the statutory subject matter requirement of 35 U.S.C. § 101 and withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33226/980001).

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Respectfully submitted,

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